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Attorney for Defendant
LARRY MURPHY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,)
) 2:16-CR-00258-JCM-PAL
Plaintiff,)
)
vs.)
)
LARRY MURPHY,)
)
Defendant.)
_____)

**UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE
INVESTIGATION REPORT AND PROPOSED ORDER**

COMES NOW, LARRY MURPHY, by and through his attorney of record, LANCE A. MANINGO, ESQ., of the law firm BELLON & MANINGO, LTD, and hereby moves this Honorable Court to order the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of LARRY MURPHY as soon as possible.

This request is based upon the pleadings and papers on file herein, the attached Memorandum of Points and Authorities, and any oral argument the Court may entertain.

DATED this 28th day of April, 2017

BELLON & MANINGO, LTD

By: /s/ Lance Maningo
LANCE A. MANINGO, ESQ.
Nevada Bar No.: 006405
732 S. Sixth Street, Suite 102
Las Vegas, Nevada 89101
Attorney for Defendant MURPHY

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

On August 24, 2016, a federal grand jury returned an Indictment charging the Defendant, Larry Murphy, with one count of Felon in Possession of Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924 (a)(2).

II. LEGAL ARGUMENT

A presentence investigation may be initiated prior to entry of a guilty plea or nolo contendere or prior to the establishment of guilt. *See generally* Fed. R. Crim. P. 32.

Counsel requires a pre-plea presentence investigation report to determine whether Mr. Murphy is potentially eligible for Career Offender or Armed Career Criminal; and/or to determine the criminal history category applicable to Mr. Murphy.

Counsel understands that Mr. Murphy has prior felony convictions, however, counsel cannot accurately calculate the applicable criminal history category or whether Mr. Murphy qualifies as a Career Offender or for the Armed Career Criminal ("ACCA") sentencing enhancement without the information that would be provided in the Pre-Plea PSR. Mr. Murphy's eligibility for Career Offender and the ACCA will drastically impact his sentencing exposure, potential negotiations, and his decision as to how he should proceed in this matter. It is equally important for Mr. Murphy to know his criminal history category. In addition, the timing of Mr. Murphy's prior convictions could impact his sentencing guideline range and criminal history score. A pre-plea PSR will promote judicial economy and could greatly expedite the manner in which this case is resolved. Furthermore, Mr. Murphy consents to the pre-plea presentence investigation.

Counsel has spoken to the Government and they do not oppose the instant motion.

III. CONCLUSION

Based on the foregoing, Defendant asks this Court to grant his Motion to Conduct a Pre-Plea Presentence Investigation Report. Defendant further requests this Court order the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of Mr. Murphy as soon as possible.

DATED this 28th day of April, 2017

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By: /s/ Lance Maningo
LANCE A. MANINGO, ESQ.
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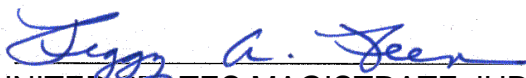
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LARRY MURPHY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,)	
)	2:16-CR-00258-JCM-PAL
Plaintiff,)	
)	
vs.)	ORDER
)	
LARRY MURPHY,)	
)	
Defendant.)	
_____)	

IT IS HEREBY ORDERED that that the United States Department of Parole and Probation will prepare a Pre-Plea Presentence Investigation Report on Defendant LARRY MURPHY.

DATED this 2nd day of May, 2017.


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that I am an employee of BELLON & MANINGO, LTD. and is a person of such age and discretion as to be competent to serve papers.

That on April 28, 2017, I served an electronic copy of the above and foregoing UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND PROPOSED ORDER by electronic service (ECF) to the person(s) named below:

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/s/ Elyse Grossman
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